

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 32

Effective October 1, 2008

**SUBJECT: SERVICE OF LOS ANGELES COUNTY DISTRICT ATTORNEY SUBPOENAS
VIA THE DEPARTMENT'S ELECTRONIC SUBPOENA SYSTEM**

PURPOSE: This Order establishes the Department Electronic Subpoena System and the new procedure for the service and acknowledgement of all subpoenas issued by the Los Angeles County District Attorney's Office (DA), to Department personnel. The Department and the DA have established the Electronic Subpoena System in an effort to ensure employees are served subpoenas in a timely manner and to reduce unnecessary court overtime. All subpoenas issued by the DA will be distributed to and acknowledged by employees via the Department Electronic Subpoena and GroupWise Electronic Mail System (GroupWise).

PROCEDURE: The Los Angeles County District Attorney's Office will electronically forward all subpoenas to the Electronic Subpoena System. The subpoenas will then be automatically forwarded to the subpoenaed employee via GroupWise. The Subpoena Control Officer (SCO) will be able to monitor the subpoena service status by utilizing the Electronic Subpoena System.

I. DEPARTMENT ELECTRONIC MAIL DISTRIBUTION AND SERVICE OF SUBPOENAS. All subpoenas issued by the DA will be electronically delivered to the Department's Electronic Subpoena System and served via GroupWise. When an employee opens a GroupWise electronic mail (e-mail) containing an electronic subpoena, this constitutes acknowledgment of service and receipt of the subpoena. Electronic subpoenas convey the same responsibilities as a personally served (paper) subpoena.

Note: During the initial phase of implementation of the Electronic Subpoena System the electronic subpoena sent via GroupWise will contain a "link" directing the subpoenaed employee to "click" the link in order to acknowledge receipt of the electronic subpoena. Upon receiving an electronic subpoena employees shall acknowledge receipt of the electronic subpoena by clicking the appropriate link.

The Electronic Subpoena System will document the service of subpoenas. Subpoena Control Officers and designated supervisors will have access to the Electronic Subpoena System and be able to monitor the issuance and service of electronic subpoenas.

Note: The Electronic Subpoena System does not apply to subpoenas issued by the City Attorney's Office, Traffic Court, or any other judicial agency or administrative office. Therefore, all subpoenas not issued by the DA will continue to be served via personal service of a paper original.

II. SUBPOENA CANCELLATIONS. If it is determined that an employee is not needed for a court proceeding and the employee can be cancelled, the SCO shall change the status of the Electronic Subpoena to "called-off" and cause a notification to be sent to the employee via GroupWise. Subpoena cancellations will be delivered to employees in the same manner as electronic subpoenas. Employees are required to open and acknowledge electronic subpoena cancellations in the same manner as required by the original subpoena. An employee opening and acknowledging the electronic subpoena cancellation constitutes service of the cancellation to that employee and supersedes the sent subpoena.

Note: It is anticipated that in a second phase of Electronic Subpoena System implementation, the DA will be able to directly initiate the cancellation or "call-off" of a subpoenaed employee.

III. EMPLOYEE'S RESPONSIBILITIES. Employees receiving electronic subpoenas are subject to the same responsibilities as with a personal subpoena service. The employee will be considered personally served via e-mail and shall appear in court or be placed on-call for court, as directed by the subpoena. Employees subject to electronic subpoena service shall:

- * Log on to GroupWise at least once during each workday and open all electronic subpoenas and subpoena cancellations;

Note: During the initial phase of implementation, employees shall acknowledge the electronic subpoena or cancellation by clicking the appropriate reply link.

- * If for any reason, an employee is unable to access GroupWise during a workday, the employee shall contact his or her SCO or supervisor and ensure that he or she is served with subpoenas that have been sent to his or her GroupWise account;

- * Immediately advise the SCO and a supervisor if he or she does not have GroupWise access;
- * Notify the SCO if the DA notifies him or her directly of a change in the status of the court proceeding (e.g., placed on-call, excused, etc.) and provide the SCO with the case number and the District Attorney's name and contact information;
- * Comply with the procedure delineated in Department Manual Section 3/210, *Requesting Release from Court Appearance (Vacation)*; and,
- * Immediately notify the SCO upon receiving a subpoena that was sent to them in error.

IV. SUBPOENA CONTROL OFFICER'S RESPONSIBILITIES. In addition to the duties delineated in Department Manual Sections 3/210.10, 3/210.22, and 3/210.45, SCOs shall:

- * Monitor the status of subpoenas in the Electronic Subpoena System throughout the workday to ensure that employees are opening them in a timely manner;
- * Check the Electronic Subpoena System for employees who request assistance in accessing electronic subpoenas;
- * Print subpoenas for officers who do not have GroupWise access;
- * Cause any employee without GroupWise access to be personally served with a paper subpoena and the service recorded in the Employee Subpoena Record, Form 15.29.00;
- * Maintain Employee Subpoena Records in the Area/division court book for service of those employees without GroupWise access;
- * Maintain Employee Subpoena Records and the Area/division court book as needed (i.e., to record dispositions, personally serve DA subpoenas for those employees who do not have GroupWise access, and personally serve all other types of subpoenas);

Note: Dispositions may be recorded in the Electronic Subpoena System comments section.

- * Ensure employees are notified of any changes in the status of a court proceeding (e.g., "be-there" changed to "on-call");

Note: Notification of employees may be in person, telephonically, or via e-mail as is appropriate to ensure prompt service.

- * Contact the DA when multiple officers are subpoenaed for the same case and attempt to obtain a cancellation for employees who are not needed for the court proceeding;
- * Ensure the status of cancelled employees is changed in the Electronic Subpoena System from "served" to "called-off," and the employee is subsequently notified;
- * Ensure a subpoena sent to an employee in error is immediately resent to the correct employee;
- * Subpoena Control Officers shall cause employees without GroupWise access to be notified of any cancellation in a court proceeding.
- * Notify the employee's supervisor if the employee does not have GroupWise access;
- * Notify the employee's supervisor if the employee has not opened a "sent" subpoena within (3) working days;
- * Notify the employee's supervisor when a subpoena is "sent" less than (3) working days prior to the date of the court proceeding;
- * Notify the DA of the service by telephonic or electronic means;
- * Notify the DA, as required by the court, when an employee cannot be served (e.g., vacation, days off, Electronic Subpoena System status, "Sent - Out of Office," etc.); and,
- * Forward subpoenas from the DA to the appropriate Area/division via the Electronic Subpoena System when a subpoena is received for an officer assigned to another Area/division.

V. SUPERVISOR'S RESPONSIBILITIES. Supervisors shall ensure the following:

- * Employees check their GroupWise e-mail at least once per workday;
- * Employees who are sent subpoenas within (3) days of the court proceeding are appropriately notified;
- * New employees or employees who do not have GroupWise access obtain access as soon as practicable;
- * Employees who, for any reason, are unable to access GroupWise obtain assistance with subpoena service from the SCO or a supervisor;
- * Employees who do not have GroupWise access shall be personally served with a paper subpoena; and,
- * The Employee Subpoena Record is maintained in the Area/division court book for service of those employees without GroupWise access.

VI. WATCH COMMANDER'S RESPONSIBILITIES. Area/division watch commanders shall ensure:

- * Employees access their GroupWise e-mail and acknowledge subpoenas and/or cancellations at least once per workday;
- * New employees and employees without GroupWise access, obtain access as soon as practicable; and,
- * Subpoena Control Officers or supervisors personally serve DA subpoenas to those officers without GroupWise access.

VII. COMMANDING OFFICER'S RESPONSIBILITIES. Commanding officers shall ensure the following:

- * Employees are aware of Department policy regarding court overtime;
- * Subpoena Control Officers and employees utilize the Electronic Subpoena System and GroupWise for the delivery, service, and cancellation of DA subpoenas;
- * New employees and employees without GroupWise access are able to obtain access as soon as practicable;
- * Ensure all SCOs have access to a designated Local Area Network computer;
- * Supervisors are appropriately trained to access the Electronic Subpoena System and able to assist employees in the absence of the SCO;
- * Information Technology Division is advised immediately via e-mail or Intradepartmental Correspondence, Form 15.02.00, of the name and serial number of the SCO, alternate SCO, and subsequent SCO in the event of a reassignment;
- * Subpoena Control Officers and alternates receive training on the Electronic Subpoena System;
- * Alternate SCO and/or supervisors are appropriately designated to obtain full access to the Electronic Subpoena System during the absence of the SCO (e.g., holidays, vacations, etc.); and,
- * Employee Subpoena Records and court books are maintained, as needed.

VIII. OFFICER IN CHARGE, DETECTIVE SUPPORT SERVICES, DETECTIVE SUPPORT AND VICE DIVISION. The Officer in Charge, Detective Support Services, Detective Support and Vice Division shall designate a Master SCO. The Master SCO shall have supervisory oversight of the duties and training of all SCOs, oversee the operations of the Electronic Subpoena System, and be responsible for reconciling sent subpoenas when the Area SCO is unable

to determine the Area/division of the respective employee.

AMENDMENTS: This Order amends Department Manual Sections 3/210.10, 3/210.12, and 3/210.22.

AUDIT RESPONSIBILITY: The Commanding Officer, Detective Bureau shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

A large, stylized handwritten signature in dark ink, appearing to read 'W. Bratton', is written over the printed name and title.

WILLIAM J. BRATTON
Chief of Police

DISTRIBUTION "D"